

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

**AUSTIN LEGAL VIDEO, LLC,
DEPO-NOTES, LLC, and PASQUAL
PEREZ, III,**

Plaintiffs,

V.

**DEPOSITION SOLUTIONS, LLC D/B/A
LEXITAS, COURT REPORTERS
CLEARINGHOUSE, INC., ALDERSON
REPORTING COMPANY, INC.,
SOUTHWEST REPORTING & VIDEO
SERVICE, INC., KENNEDY REPORTING
SERVICE, INC., TEXAS COURT
REPORTERS ASSOCIATION, INC., SPEECH
TO TEXT INSTITUTE, INC., SHERRI
FISHER, LORRIE SCHNOOR, SONIA
TREVINO, and SHELLY TUCKER
Defendants.**

Case No. 1:23-cv-00421

SWORN AFFIDAVIT OF BARBARA MCCAULEY

Before me, the undersigned notary, on this day personally appeared Barbara McCauley, the affiant, known to me to be the person whose name is subscribed below. After I administered an oath to affiant, affiant stated as follows:

1. My name is Barbara McCauley, and I am over eighteen (18) years of age, of sound mind, and capable of making this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.
2. I am employed by Southwest Reporting & Video Service, Inc. ("Southwest"). I have served as a Litigation Support Specialist for Southwest since approximately 2010, and since approximately 2018, I have also served as a Scheduling Coordinator. In that capacity, I coordinate and assign videographers for depositions in various markets, including the San Antonio and Austin, Texas areas.

3. As part of my responsibilities, I was involved in scheduling videographers, confirming assignments, and coordinating deposition logistics for Southwest clients.
4. Between approximately 2016 and 2021, I had professional interactions with Pasqual Perez and Michelle Cherney-Perez of Austin Legal Video ("ALV"), regarding videography assignments. These communications primarily involved scheduling and logistical matters related to deposition assignments in the San Antonio and Austin, Texas areas.
5. Southwest schedules depositions weeks or sometimes months in advance in order to accommodate the availability of clients, witnesses, attorneys, and court reporters. Once a deposition is scheduled, Southwest typically arranges for necessary services, including court reporting and videography, well ahead of the deposition date to ensure that all logistical needs are met.
6. In the normal course of business, it is common for Southwest's clients to cancel scheduled depositions. When this occurs, Southwest must cancel any associated videography services it has arranged. These cancellations originate directly from the clients themselves and are not initiated by Southwest for the purpose of replacing or switching videographers.
7. On April 12, 2019, ALV informed Southwest that it would no longer accept videography assignments scheduled more than one week in advance due to the number of cancellations from Southwest. This restriction would have prevented Southwest from securing videography services in the normal timeframe required to meet client needs and operational demands.
8. Any cancellations of videography services arranged with ALV were the result of client-driven deposition cancellations and not the result of any internal decision to replace or

- redirect work. All actions I took in connection with ALV and its personnel were based solely on independent business considerations and Southwest's internal operational needs.
9. Although ALV's scheduling restrictions made it difficult to assign work, Southwest continued to use ALV for deposition assignments when the timing aligned, and it was feasible to do so. These opportunities were limited, as most depositions were scheduled more than a week in advance and therefore could not be accommodated under ALV's restrictions.
 10. Following the onset of the COVID-19 pandemic in 2020, Southwest significantly reduced in-person depositions in the San Antonio and Austin areas. Remote depositions were conducted via Zoom, and videography for those proceedings was handled internally by Southwest personnel.
 11. At some point after ALV imposed its scheduling limitations in April 2019, though I do not recall the exact date, Mr. Perez initiated a telephone call with me regarding the volume of deposition work Southwest was assigning to ALV. During that call, Mr. Perez became argumentative, raised his voice, and behaved in an aggressive and unprofessional manner. He was yelling, cursing, and expressing frustration about the amount of work ALV was receiving. His conduct during the call left me visibly shaken, upset, and distressed. I had never experienced that level of hostility or unprofessional behavior before, and it left me concerned about continuing to work with Mr. Perez or ALV in the future. Following this incident, Southwest's management verbally directed the scheduling team to cease assigning any future deposition work to ALV.
 12. In December 2020 and January 2023, I communicated with Walter Bryan, a former videographer affiliated with ALV. As part of these communications, I inquired whether Mr.

Bryan maintained any ongoing affiliation with Mr. Perez or ALV. This inquiry was made solely for scheduling, logistical, and professionalism-related reasons, given prior challenges associated with ALV's scheduling restrictions and Mr. Perez's conduct.

13. At no time did I, or anyone at Southwest to my knowledge, communicate or coordinate with any other reporting company, videography company, or defendant in this lawsuit regarding Mr. Perez, ALV, or any decision to cease or limit work with ALV.

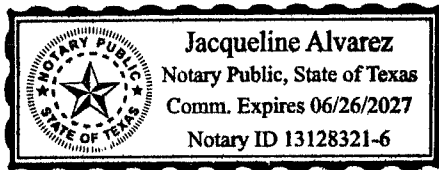
FURTHER AFFIANT SAYETH NOT.

Barbara McCauley

Barbara McCauley (Apr 30, 2025 16:36 CDT)

Barbara McCauley

SWORN TO and subscribed before me, the undersigned authority, this 30 day of April 2025.



Jacqueline Alvarez
NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

My Commission expires: 6/26/2027







Affidavit of Barbara McCauley

Final Audit Report

2025-04-30

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